

**Laws, Rules & Government Services Committee  
Regular Meeting Minutes**

**DATE & TIME:** March 10, 2022 – 5:30 PM  
**LOCATION:** Powered by Zoom Meetings, Meeting ID: 893 3442 3401  
By Phone (646) 558-8656  
**PRESIDING OFFICER:** Chairman Heppner  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Levine, Roberts (arrived 5:50 PM) & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Erner, Petit & Uchitelle, Legislative Counsels Ragucci & Gordon (arrived at 6:00 PM), Minority Counsel Pascale, Comptroller Gallagher – UC Comptroller’s Office, Dylan Gallagher – Ethics Board Candidate, Confidential Secretary to Chair Bartels Laurie Lichtenstein, Tom Kadgen

Chairman Heppner called the meeting to order at 5:33 PM

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**Motion No. 1:** **Moved to APPROVE Minutes of the February 10<sup>th</sup> Regular and February 24<sup>th</sup> Special Meetings**

**Motion By:** Legislator Gavaris  
**Motion Seconded By:** Legislator Ronk

**Discussion:** See transcript

**Voting In Favor:** Legislators Gavaris, Heppner, Levine & Ronk  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Minutes APPROVED**

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Resolutions for the March 16, 2022 Session of the Legislature

**Resolution No. 104:** Confirming Appointment Of A Member To The Ulster County Board Of Ethics

**Resolution Summary:** This resolution appoints Dylan S. Gallagher, Esq. to the Ulster County Ethics Board for a term commencing immediately and terminating on January 31, 2026

**Motion No. 2:** **Resolution No. 104 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Gavaris  
**Motion Seconded By:** Legislator Ronk

**Discussion:** See transcript

**Voting In Favor:** Legislators Gavaris, Heppner, Levine & Ronk  
**Voting Against:** None

**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 14:** Authorizing The Termination Of A Lease Agreement With CPR Kingston, LLC Bank For Space Used By The Board Of Elections

**Resolution Summary:** This Resolution authorizes the Chair to mail written notice of termination of the lease agreement with CPR Kingston, LLC effective April 30, 2022 for office space currently occupied by the Board of Elections located at 284 Wall Street, Kingston.

**Motion No. 3:** **MOTION TO POSTPONE Resolution No. 14**  
**Motion By:** Legislator Gavaris  
**Motion Seconded By:** Legislator Ronk

**Discussion:** See transcript

**Voting In Favor:** Legislators Gavaris, Heppner, Levine & Ronk  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution POSTPONED**

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**Resolution No. 16:** Setting A Public Hearing On Proposed Local Law No. 2 Of 2022, A Local Law Amending The Charter Of The County Of Ulster, Amending The Administrative Code, Repealing Chapter 44, Ethics And Disclosure, Of The Code Of The County Of Ulster, And Establishing The “Ulster County Ethics Law,” To Be Held On Tuesday, April 19, 2022 At 7:10 PM

**Resolution Summary:** This resolution sets a public hearing to provide the public the opportunity to offer comments on Proposed Local Law No. 2 of 2022 on Tuesday, April 19, 2022 at 7:10 PM

**Motion No. 4:** **Resolution No. 16 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Gavaris

**Discussion:** See transcript

**Voting In Favor:** Legislators Gavaris, Heppner, Levine, Roberts & Ronk  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED WITH PROPOSED LOCAL LAW AS AMENDED AS PRESENTED**

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**Resolution No. 17:** Setting A Public Hearing On Proposed Local Law No. 3 Of 2022, A Local Law Amending Local Law No. 6 Of 2021, A Local Law Requiring The Payment Of A Living Wage To Employees Of Contractors And Subcontractors That Provide Services To Ulster County, In Relation To Living Wage For Social And Human Services, To Be Held On Tuesday, April 19, 2022 At 7:20 PM

**Resolution Summary:** This resolution sets a public hearing to provide the public the opportunity to offer comments on Proposed Local Law No. 3 of 2022 on Tuesday, April 19, 2022 at 7:20 PM

**Motion No. 5:**                    **Resolution No. 17 MOVED FOR DISCUSSION**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:**        Legislator Gavaris

**Discussion:**                    See transcript

**Motion No. 6:**                    **MOTION TO POSTPONE Resolution No. 17 to a Special Meeting on March 16<sup>th</sup> immediately following the Ways & Means Committee meeting**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:**        Legislator Roberts

**Discussion:**                    See transcript

**Voting In Favor:**                Legislators Gavaris, Heppner, Levine, Roberts & Ronk  
**Voting Against:**                None  
**Votes in Favor:**                5  
**Votes Against:**                0  
**Disposition:**                    **Resolution POSTPONED**

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**Resolution No. 157:** Requesting The County Executive Appoint Members To And Convene The Charter Revision Commission Pursuant To § C-5 Of The Charter Of The County Of Ulster

**Resolution Summary:** This resolution requests the County Executive swiftly appoint members to the Charter Revision Commission, and convene the first meeting of said Commission within 30 days of adoption of this resolution

**Motion No. 7:**                    **Resolution No. 157 MOVED FOR DISCUSSION**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:**        Legislator Gavaris

**Discussion:**                    See transcript

**Voting In Favor:**                Legislators Gavaris, Heppner, Levine, Roberts & Ronk  
**Voting Against:**                None  
**Votes in Favor:**                5  
**Votes Against:**                0  
**Disposition:**                    **Resolution ADOPTED**

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Chairman Heppner moved on to the Forthcoming Local Laws portion of the agenda.

See transcript.

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Chairman Heppner asked if there was any old or new business. See transcript.

**Adjournment**

**Motion Made By:** Legislator Roberts

**Motion Seconded By:** Legislator Ronk

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**TIME:** 6:18 PM

**Respectfully submitted:** Deputy Clerk Mahler

**Minutes Approved:** April 14, 2022

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**Chair Heppner**

Okay. Thank you everyone for joining us. I'd like to call the March 9th, the March 10th meeting of the laws, rules and Government Services Committee to order. can I get approval for the February 10 Regular and the February 24 Special meeting minutes? Can I get a Second. Second by Leader Ronk, all in favor?

**Legislator Gavaris**

So moved

**Committee Members**

Aye.

**Chair Heppner**

So moving on, I would like to pull Resolution number 104 out of order bring that to the top since we have Mr. Gallagher here, who is the executive's nomination for appointment of a member to the Ulster County ethics board. So seeing no if there's no objections. Can I have a motion for discussion?

**Legislator Gavaris**

So moved

**Chair Heppner**

And second by Leader Ronk. Mr. Gallagher, thank you for joining us. I would like to open the floor. If you'd like to, you know, in a period of about two minutes, give us a little introduction to yourself.

**Dylan Gallagher**

Absolutely

**Chair Heppner**

And then we'll take questions from any of the members

**Dylan Gallagher**

Sure. Well, thank you all for having me this evening. My name is Dylan Gallagher. I am a native of the area I grew up in northern Dutchess County went to school in Red Hook. After college, I went down to Virginia where I clerked for a judge and then began my career in law as a prosecutor. And then I subsequently came back here after about 10 years. I've been in Ulster County now for about 11 or 12 years, I came back to take a job with the Ulster County District Attorney's office where I served as prosecutor for a few more years and since then, I've been in private practice. First down in Poughkeepsie, then I was a partner with a firm in Albany doing mostly civil medical malpractice defense. And for the past two plus years, I've been with O'Connor and Partners here in Kingston. And I've had the pleasure of doing civil work in primarily in Ulster County. That is, that is me in a nutshell.

**Chair Heppner**

Thank you very much. Do any members have any questions for Mr. Gallagher? Seeing none, I'll call the vote All in favor?

**Committee Members**

Aye

**Chair Heppner**

Any opposed? Seeing none, the Resolution is passed unanimously. Thank you for joining us, Mr. Gallagher. You're free to stay on if you want to hang out. But you're also free to go. So thank you for joining us tonight.

**Legislator Ronk**

I wouldn't do it if I were you. [laughter]

**Dylan Gallagher**

Thank you. Thank you all I appreciate your time this evening.

**Chair Heppner**

Absolutely Have a good night. Thank you.

**Dylan Gallagher**

You too.

**Chair Heppner**

Okay, back to our regularly scheduled programming. Resolution number 14 authorizing the termination of a lease agreement with CPR Kingston, LLC bank for space used by the Board of Elections. motion to discuss.

**Legislator Gavaris**

Motion to postpone

**Chair Heppner**

Okay, second? Can we just go right to the postponement? Do I need a motion for discussion first?

**Legislator Gavaris**

Should be able to just postpone

**Chair Heppner**

Yep. Can I have a second on the postponement? Legislator, Leader Ronk. All in favor the postponement? Any opposed? Seeing none, it is postponed. Next up, we have Resolution number 16. Setting a public hearing on proposed local law number 2 of 2022, a local law amending the charter of the county of Ulster amending the Administrative Code, repealing chapter 44 ethics and disclosure of the code of Ulster County and establishing the Ulster County ethics law to be held on Tuesday, April 19, at 7:10pm. So I want to thank everyone for the great progress you've made during a special meeting. I thought it's very productive. And I think we're close. There's a couple items. I'd like to that I have that I'd like to pose. I'm sorry, did I take a motion for discussion on this?

**Committee Members**

Aye

**Legislator Ronk**

I'll move it

**Legislator Gavaris**

Second

**Chair Heppner**

To ask the, to present to the committee. So starting first comptroller Gallagher during our working session, you had mentioned you know, for example, UCEDA and LDCs in terms of them being required to file the disclosure form. Counselor Ragucci, I know you looked into that, can you just speak briefly to that what your findings were with that and then I have a suggestion.

**Legislative Counsel Ragucci**

Sure. And thank you for the time. I was able to look at that and I also conferred with Minority Counsel Pascale, who also looked into it as well. And the case law that we found indicates that our ethics law wouldn't be able to reach membership of an LDC as a potential workaround, however, we could implore the LDC to enact such a requirement in its own bylaws. So, even though we wouldn't be able to compel them from the county perspective, they can do so internally.

**Chair Heppner**

And so, please go ahead, comptroller Gallagher.

**Comptroller March Gallagher**

I'd love if you could share any research with me that would be really helpful to us offline, you know, if you are finding cases that bar it. obviously the IDA is, you know, a public authority, not an LDC. And I recall, when I was part of the development corporation board, I thought we had to file them. I just I also, I want to note, you know, that these bodies, the Housing Corporation, the Economic Development Alliance are making major Disposition of Asset decisions for Ulster County, and, and as well as, you know, making their own purchasing

and procurement decisions for those entities. And it would be really good to know, you know, what the members are involved in. I also want to mention that the electrical licensing board comes to mind

**Chair Heppner**

That was something

**Comptroller March Gallagher**

is it in there?

**Chair Heppner**

No, no, I'm going to bring that up next.

**Comptroller March Gallagher**

Okay. All right. So I'll pause on that. But please share anything you have with me. And, and, you know, these are people making major decisions for the county.

**Legislative Counsel Ragucci**

Sure. And with, with the Chair's permission, I can forward you my email of march 8, it's up to Leader Heppner

**Chair Heppner**

100%, 100%. Please share it with anyone who'd like to see it. Um, you know, so in the meantime, you know, the options, or we could just go ahead and add them, and see if they, you know, just they, on their own goodwill choose to go through the process. Or we can, you know, again, we could, you know, send a letter from laws and rules, if, you know, counsel is firm in their belief that, you know, we can't force them to do it, we can send a letter from the members of laws and rules with the information, strongly urging them to implement this into their bylaws. But at least, you know, I'm curious what the will the committee is?

You know, and that letter can come at any point through this process. But just you know, those are some options. I was thinking, but if we don't want to take any action right, now, we can move on to the next point. So seeing no opinion at the moment, I will move on to what comptroller Gallagher, she actually reached out to me today, which I thought was a really good point. I just for some reason, assumed they were on that list. You know, it's a long list, but it makes total sense to me that the electrical licensing board should be added to that list. I would like to propose that we do add the electrical licensing board to the list, especially with the duties in which they are tasked. Does anyone have any opposition to that? So Seeing no opposition Clerk Mahler, could you please add the electrical licensing board? And thank you comptroller Gallagher for catching that, those. I think that makes a lot of sense.

**Legislator Gavaris**

Um, Legislator Erner has his hand up

**Chair Heppner**

Oh, sorry. I couldn't see. Your hand's perfectly lined up with the light. I couldn't see it. Legislator Erner, please go ahead. Go ahead.



**Legislator Erner**

Oh, thanks, Leader and Chair Heppner, I, I missed a little bit of this, but I had a general comment on another section. Is this an appropriate time or you want to call me again later?

**Chair Heppner**

I was actually I was actually going to bring, that was next on my list to bring up what I think exactly, you're gonna say. So I'll I'll set you up. And then you can come in further if you'd like. How about that?

**Legislator Erner**

Sure.

**Chair Heppner**

So I believe you're going to bring out the point which I was bringing up that was brought up in caucus. If it's the will of the committee and moving forward with the public hearing. Do we want right now the current enactment date of the law is set for January 1, 2023. We do have the ability to adjust that which we could adjust, you know, enact, I believe it's up to within 30 days. So it could be enacted 30 days from passing, is that what it is? Do you know, Leader Ronk? I thought that's what Vicky told me, but I could be wrong.

**Legislator Ronk**

So I know that in the past, one of the concerns the county executive's office has had is the the referendum question. And if this has to go to referendum, that was I believe why we had it beginning January 1, it also provides for a more clean break from the current board because we're essentially vacating the ethics board and appointing an entire new ethics board. So if we want to move forward with a referendum question, I don't believe that we'd be able to make it effective within 30 days, unless we held a special election, which would cost 10s of 1000s of dollars. If not more than 1000s of dollars.

**Chair Heppner**

You know, because that's one thing, you know, we had discussed in the past, especially in the last week is whether or not we believe, you know, based on, you know, what was presented on from our neighbors to the south in Orange County, that, you know, the question, do we need to go to referendum?

**Legislator Ronk**

I mean, for me, if I could just follow up on that.

**Chair Heppner**

Yes, please go ahead

**Legislator Ronk**

I don't believe it needs to go to referendum. But I think that it looks, I think it looks better to for the Legislature that we put it out to referendum. And I also think that it eliminates a possible legal challenge by the county executive. And the county attorney's office and the county executive's office have floated that as a as a likely possibility.

**Chair Heppner**

So, you know, the one thing that's interesting, and he's actually, deputy executive Rider's not on the call, I thought, on the Zoom, I thought he would be, he mentioned in the Democratic caucus is that, you know, counsel Ragucci might be able explain it better. But my understanding, and I know you spoke with him today, was that he said that a referendum isn't even what the real concern is. that he doesn't believe it would fix what their concerns were. At one point. Am I correct?

**Christopher Ragucci**

That that's exactly what he said to me. Yeah. That this issue stemmed from not a curtailment, necessarily, but the general municipal law matter that they'd raised previously about just the general structure of the appointment process.

**Legislator Ronk**

And while I respect that that's their opinion, I think that they actually have a better argument on the curtailment than they do on the General Municipal Law issues

**Chair Heppner**

I'm just sharing what Deputy Executive Rider very clearly stated

**Legislator Ronk**

Oh, I understand. But again, I think that they're gonna, you know, they're gonna throw mayonnaise to the wall and see what sticks. So,

**Chair Heppner**

Mayonnaise? I thought it was pasta? but I guess mayonnaise

**Legislator Ronk**

right.

**Chair Heppner**

Legislator Erner. Did you want to speak to this point, as you're the one that brought it up originally in caucus?

**Legislator Erner**

No, thank you. I don't have anything to add on this point. I had a different point to make. After this point, though.

**Chair Heppner**

Okay. Great. I'll be sure to call on you. Legislator, but let us get through this one and then we'll, we'll get to the next one. Legislator Uchitelle.

**Legislator Uchitelle**

Yeah. The what I'd like to say is, you know, regarding the question of the referendum I think zooming out the the one of the issues that I see is that they're we're changing a handful of items here that have been in the queue for a long time that we've wanted to change. And many of them don't require a referendum at all. So what I would if we feel like we want to go to a referendum, I would suggest breaking it apart and doing only the issues that would

trigger or that are questioned, you know, gray area for the referendum as as a law that would need to take effect in 2023. And then because some of the other issues that are addressed in this amend the amendment the amended law are issues that are affecting items before the Legislature that were before the Legislature last term. And I think it's unfortunate if those issues would get wrapped into the larger question of a referendum for which they're not even a matter of concern for a referendum.

**Chair Heppner**

Thank you, Legislator Ronk

**Legislator Ronk**

thanks. I respectfully disagree. I'm, I have a long history against doing things piecemeal, which is exactly what you're suggesting. I also will tell you as the person who began this process and in the term before the last term, um, you know, the number one item on my agenda for amending the ethics law was amending the way the ethics law the ethics board is appointed, which is the portion that would require a referendum, that might require a referendum. And I think that you know, changing all the the items that we're changing in the ethics law without changing the way the ethics board is appointed, is pointless.

**Chair Heppner**

Any other comments? Legislator Gavaris or Legislator Levine?

**Legislator Gavaris**

No, I mean I would like to move forward. But I think this is the problem where attorneys disagree with each other. This is where you're at. I agree with Legislator Ronk. I think we can move forward. I don't think this is a conflict the way the county attorney does.

**Chair Heppner**

Okay.

**Legislator Levine**

I'm sorry Mr. Chairman. just in regards to something that Legislator Ronk had brought up regarding the feasibility of potentially having, you know, if we had to go to referendum, and we didn't, you know, didn't wait till November. If we didn't, if we wanted to do it before November and hold a special election, that would cost a lot of money. I would agree that that would be infeasible idea, an unfeasible idea, excuse me. But I mean, would it be possible if it is determined that it has to go to referendum that we look into the logistics of potentially holding it at the June primary would then when there's already going to be an election being held? I was just, I was just wondering. thank you.

**Chair Heppner**

Legislator Levine, please go ahead That I'm not 100% sure on. That's a great question. We can have, unless Leader Ronk knows the answer to that.

**Legislator Ronk**

I mean, the the be all end all of it would be a question for the board of elections, I believe that they could hold a referendum on that day, if we chose to hold it that day. The only thing is that, as of right now, there's the possibility

of a gubernatorial primary, which would be statewide on the Republican side, I don't believe that there are any statewide Democratic primaries. So it would still exponentially increase the number of, you know, the number that it would cost, because you would need to bring in, you know, Democrat elections inspectors and probably open more polling places.

**Chair Heppner**

So I would suggest, you know, on this front, you know, I think, you know, my interpretation is there seems to be some hesitation, you know, from any immediate change from the members of the committee. But, you know, you know, what, we do have the option depending on where we land, difference of opinions on a referendum, we have the ability, an effective date is not a significant change that would spark a need for a second hearing. So, we still have that ability, if we would decide to push ahead without a referendum, we would have the ability if we so choose to change the effective date. But right now, I think for the sake of progress and getting this public hearing moving forward, I think, you know, I hear the opinions of the members of the committee on this. Legislator Erner, did you want to bring up a point? On a different section?

**Legislator Erner**

Yes, please. Under Section seven, annual disclosure, item D, the disclosure to be filed with the secretary of the board of ethics. is not the information to be filed becoming public, and therefore, why not publish it or file it with the County Clerk as well?

**Chair Heppner**

My honest I mean, we hand them into the clerk and then the clerk sends them to the ethics board, am I correct?

**Legislator Ronk**

That's the Legislature clerk. um not the county clerk.

**Chair Heppner**

Oh, you mean, sorry you mean with clerk Postupack?

**Legislator Erner**

Yeah, just the way I read it here, it says annual disclosure statement shall be filed with the secretary of the board of ethics. So that basically keeps information just with the board. Shouldn't the public have access to that information?

**Chair Heppner**

[inaudible] They're all made publicly available.

**Legislator Erner**

Okay

**Chair Heppner**

Yeah, just, so what happens is it gets filed with the secretary because they actually go through each one of our submissions, and they, you know, look at it for any conflicts so on. They the ethics board is tasked with reviewing it, and then they're made publicly available as well. So there's if you ask the or even know what the web page is

but I'm sure clerk Mahler can point you to where the page is or, find out what the page is, whether publicly available. With that I know, counsel Gordon had sent suggested language to counsel Ragucci that was then shared with counsel Pascale, I totally missed that email. So I'm seeing it for the first time, unless you guys were also included on the email. But just for consideration Clerk Mahler, can you bring that up? If you and this is just, you know, to the committee if they would like to include this language. So, Counsel Ragucci could you just give a brief summary to the committee and our guests.

**Christopher Ragucci**

Sure. So the proposed amendment includes a change to B section two. And a definition of benefit, which shall include only receipt of services or advantages that are uniquely available to such county officer or employee, and shall not include receipt of any service or advantage or adoption repeal or modification of any statute, rule, regulation, program tax or fee that is generally applicable or available to county residents or taxpayers, or any subset of county residents or taxpayers with numerous members, including without limitation any category of business health services, or any municipality or geographic area.

**Chair Heppner**

Leader Ronk

**Legislator Ronk**

I'll tell you, I don't agree with this change. I think that one of the biggest problems with it is the words any subset, because you know, you've got realtors or, you know, a bunch of other professions that could benefit from a law that we pass that could be generally applicable to the population, but not generally benefiting everyone in the population. I understand the I understand the the impetus behind this is the advisory opinion that was issued by the current board of ethics, pretty much saying that anybody who rents an apartment or is a renter, you know, would not be able to vote on the Good Cause Eviction law. And then that brought up the question of, you know, laws of general application. And, and, you know, I think that a challenge to the advisory opinion is better, because even though it benefits my personal set of beliefs, on Good Cause Eviction, because I think that it would cause it not to be able to pass. I also think that the ethics opinion is bunk. I really think that it goes way too far in its application.

But I really I find fault with amending the ethics law that we're already amending to try and get around one advisory opinion that is universally believed to be an overreach. I think that a better option would be for us to if we want to, to put in, and I spoke with my counsel about this earlier to put in a sort of a Express preemptive challenge to advisory opinions, because right now I understand the concern is that we wouldn't be able to, a Legislator or an employee who is is going to perhaps violate the ethics law, as seen by the board of ethics, by way of not listening to an advisory opinion, wouldn't be able to file an article 78 until such time as they've been fined because at that point, it would be right for challenge. Um, but there are other avenues in the in the legal process to challenge you know, something like an advisory opinion. And I think that that's a much better way to go, you know, to allow for a sort of pre emptive challenge to the advisory opinion rather than rather than amend the ethics law about one advisory opinion

**Chair Heppner**

Comments from anyone else? Thoughts? Legislator Roberts

**Legislator Roberts**

Yeah, I just tend to agree with the Minority Leader.

**Chair Heppner**

Legislator Gavaris or Legislator Levine, do you have any thoughts? And actually, Uchitelle, you have your hand up, please go ahead.

**Legislator Abe Uchitelle**

Thank you. Yeah, I mean, I I agree with that. Actually. That was my first in, you know, my first thinking when that advisory opinion was rendered was the we just got to go after this. And everyone who the opinion actually affected because I don't I don't own property and I'm not a renter. Or rather I don't own a property besides the one I'm in right now that you know, it will be better for the people that were facing that the folks on the Legislature and I realize some are present, would would prefer to make it part of the ethics rewrite. I'll be honest, it's frustrating at this point, especially in the context of the previous conversation about the referendum pushing this out until 2023. You know, setting aside the policy components of Good Cause Eviction, it goes beyond that particular policy, it's an entire category of legislation that we're precluded from.

So while I realized that those two things, rewriting the ethics law and challenging that that advisory opinion could happen at the same time, that would require the folks that are. My understanding is it would require the folks that are precluded from engaging in conversations to provide that challenge. I don't think that it's something that I could do, because I'm not in that category. And I certainly don't want to bring this to the floor with a third of the Legislature recusing themselves, because, you know, whether their votes are here or there. That's just not, especially when it's something that we don't we don't agree with.

So if folks that are affected by this, I realize you can't necessarily talk about the merits of the law. But if folks that are affected by this advisory opinion, want to to challenge it, and and happen seriously have that conversation. I am here for it. I want to have that conversation. That hasn't happened yet. I've been asked to focus on supporting this ethics rewrite to resolve that issue. And I wish that that weren't the only option. But that's the only option that folks seem to want to do. So I actually agree with minority Leader Ronk on this.

**Chair Heppner**

Thank you, Legislator Gavaris, and then Leader Ronk

**Legislator Gavaris**

I mean, counselor Ragucci, can you correct me, but Chairwoman Bartels, I believe said that this is already being worked on to challenge it. Is that not correct?

**Legislative Counsel Ragucci**

I'm sorry, I don't know if I understand your question. This language here is what was being worked on

**Legislator Gavaris**

Not the language, the challenging of the opinion, the advisory opinion. I thought there was that was already being worked on?

**Christopher Ragucci**

Oh, well, we definitely discussed it. I don't know if there's been an actual decision to file anything at this juncture. But it's certainly been discussed at length.

**Legislator Gavaris**

Okay, I'll reach out to Chair Bartels. But I personally would like to challenge it. And I thought that's what we're doing. So, but I'll touch base with her. We'll be in touch.

**Legislative Counsel Ragucci**

Okay.

**Chair Heppner**

Thank you, Leader Ronk.

**Legislator Ronk**

Thanks. I mean, you know, I'm in favor of a challenge. I'm, I'm in the same boat as Legislator Uchitelle because I'm not harmed by the advisory opinion. I neither own a rental or rent. So I would

**Chair Heppner**

So no, I think, you know, I think we can move past this for right now. I think

**Legislator Ronk**

Oh, okay, yeah.

**Chair Heppner**

Seems to be the consensus. I appreciate the recommendation. However it seems, you know, folks believe it has certain a different path forward. Legislator Levine, is that an old hand or a new hand?

**Legislator Levine**

It's a new hand

**Chair Heppner**

just wasn't sure

**Legislator Levine**

Sorry. Thank you. It's just a brief clarification on are we also mentioning is it also going to be brought up about unless I'm mistaken, that this was included in the previous discussion, the small technical change the that's been proposed for Section C. Am I saying that correctly?

**Chair Heppner**

Section C.

**Deputy Clerk Mahler**

It's the highlighted section and it actually undoes the comma recommendation that was made by legislative counsel and minority counsel who were in harmony on it, I believe, is what they had said

**Legislator Ronk**

I move we leave the comma alone.

**Legislative Counsel Ragucci**

Yeah, I

**Chair Heppner**

Let's leave the comma alone and move on. Okay. Alright, so is it the will of the committee before, would it, is everyone comfortable moving forward with a public hearing as is again, we still have time, especially what Clrrk Mahler. Do you know what the date would be for in which the public hearing would be?

**Deputy Clerk Mahler**

I'm sorry, I meant to unmute myself. It would be April 19.

**Chair Heppner**

Would be when it's public when it's filed for public notification.

**Deputy Clerk Mahler**

Yeah, you have the Resolution number 16 is active in front of you. So it would move to the full body with the adoption of the local law as amended for consideration next week. And then your public hearing would be scheduled for April the 19th.

**Chair Heppner**

In what, so my question, sorry I didn't word it well. what is would be the required date for the public hearing to be go out to public notice.

**Deputy Clerk Mahler**

Two weeks prior.

**Chair Heppner**

Great. Thank you. So with that I'll call the question for the public hearing. All in favor,

**Committee Members**

Aye.

**Chair Heppner**

Opposed? Seeing notice pass unanimously. Moving on, and again, I want to thank everyone. You know, this has been a long process. All of us have had different hands in it through different periods. So you know, I'm glad we're moving forward. Again, thanks for, you know, all the input and constructive conversation that's gone on



around it. Moving on to, I'm sorry, Jay, do I have to make that motion specifically because of any of the changes we made tonight?

**Deputy Clerk Mahler**

I'm considering that you're adopting the Resolution with the proposed law as amended.

**Chair Heppner**

Alright. Thank you. Moving on to Resolution number 17. This is setting a public hearing on proposed local law number 3 of 2022, a Local law amending local law number 6 of 21 a local law requiring the payment of a living wage to employees of contractors and subcontractors that provide services to Ulster County in relation to the living wage for Social and Human Services to be held on Tuesday, April 19 2022 at 7:20. Just for some reference, this Resolution was postponed in ways and means on Tuesday the eighth there's an, you should have in email from Clerk Mahler today an Excel spreadsheet provided to ways and means titled active contacts subject to the living wage law. It's also on your OneDrive so can I have a motion to discuss? Made by Legislator Ronk, can I get a second? Looks like Gavaris, I think said second. Any comments concerns? Again, I believe this was postponed one week in ways and means I have Legislator Ronk and then I see Legislator Petit your hand

**Legislator Ronk**

I mean, I'm not ready to I'm not ready for a yes vote on this yet. But if we want to. You know, I feel like I would have a problem adopting it because I think ways and means is the committee of original jurisdiction, they should really act first. I'd be open to scheduling a special meeting for session night if we need it to go over this. But I'm not you know, I feel like it should pass ways and means first.

**Chair Heppner**

Yep. And we will be in person. I don't disagree with that comment, because we will be in person that evening. So if we need to collect ourselves right after ways and means for a quick meeting, we do have that option. Legislative Petit, and then Legislator Levine then Legislator Gavaris.

**Legislator Petit**

Thank you and thank you for you know, considering taking a really good look at this. As you go through the list of the contracts. Please note that, you know some of them are professionals in their fields. So obviously they're going to be making way over \$20 an hour now. I had reached out to the Mental Health Association and to RCAL. I've been told they pay their employees over 20 an hour. So once we have Amber and Natalie are diving in a little bit deeper in this, the county execs office has been has been taking a good look at it. So we're going to get some more concrete numbers. You know, obviously in life, there's no guarantee.

And last month it was mentioned that the increase from the last Resolution presented by John Parete was about a million dollars. It could possibly be this would be two and a half million. I don't think that'll be across the board. But and I think given the cost of living increases given the price of fuel given the price of electric and the the cost of housing in Ulster County because it was artificially inflated when we had an exodus of people from New York City coming up here. It would still be a win for the county to contract out to make sure that those individuals are getting paid \$20 an hour, and we still wouldn't have the legacy costs or the health costs that we would if we created new positions. So thank you.

**Chair Heppner**

Thank you, Legislator Petit. Legislator Levine then Legislator Gavaris.

**Legislator Levine**

Thank you, Mr. Chair

**Chair Heppner**

And then Erner

**Legislator Levine**

Yes, I was just going to say that I agree with Legislator Ronk. In that his belief that, you know, ways and means as the committee of original jurisdiction should really take the first action on this. And you know, I just wanted to say that, you know, I agreed with that sentiment going forward. So I just wanted to let let that be known.

**Chair Heppner**

Thank you. Legislator Gavaris, then Erner.

**Legislator Gavaris**

Thank you. I also agree with Legislator Ronk. But in terms of the comment that was made that the execs team is looking into this as well, they're not. They, they, Marc sent me an email back, but I questioned, you know, this, they gave us a list of contractors that would be affected. But there's no numbers associated with it. And our staff, I know, they're working hard to get that. I highly doubt that that will be done by Wednesday's meeting. I mean, I don't think it hurts for us to schedule a special meeting. So we have the option, but I wouldn't get our hopes up of actually having that information by then because a lot of details that are needed.

**Chair Heppner**

So I'm gonna talk to the clerk just as literally just for public notification purposes, to schedule a five minute meeting with laws and rules in between ways and means and session. Just for that sake, but you know, if we have to and need to, we'll be able to do it. But if not, we'll you know, depending on the will of ways and means. Legislator Erner.

**Legislator Erner**

Thank you. And I want to echo Legislator Petit's gratitude for you all taking this up. And talking about this now. And I want to bring some comments that Legislator Maloney has made about this in other committees, that folks who we ended up raising up to \$20 an hour from, say, 15 now, might that might very well elevate folks off of other county, county payments that are having to be made through DSS and whatnot, because they can't afford to pay for the things on their current lows, low wage salaries. And that, with all the deliberation, we we do about raising those who make the least in our county, I would just hope that we deliberate quite carefully as well about anyone we intend to increase the salary on who is on the upper end. The number of folks who make less as we all well know is far more and when it's easy to talk about dollars and cents from a point of privilege. But the fact is, this could have an immense benefit. And open the conversation as to how the wage inequity is in our county in general, not just for our contractors, but as well in the private sector. So I hope that we can continue having these kinds of discussions. Thank you.

**Chair Heppner**

Thank you, Legislator Erner. Legislator Gavaris, is that a new hand?

**Legislator Gavaris**

It is thank you. Just a, maybe a possible, suggestion for the meeting. If you want to do it as a joint meeting, I can put this to the top of the Ways and Means agenda. And then depending on the outcome of that this committee could also then vote at the same time.

**Chair Heppner**

I'll leave that to the will of the committee, I'm open. What do you think? Legislator Roberts?

**Legislator Roberts**

I'm a no one joint meeting.

**Chair Heppner**

Yeah, I don't

**Legislator Roberts**

I think we can have our meeting in 5-10 minutes if necessary, right before session

**Chair Heppner**

100%. Worst case we just gavel in and gavel out. And I heard, we can go into the Chairs office. You know, I think it's two very separate discussions. And so I think you know, I'm I agree with Legislator Roberts. I don't think it's necessary. Also just for the sake, for your agenda. I don't think you need us there.

**Legislator Gavaris**

Well, I could put it at the end too. And that'll help as well. Either way. It doesn't matter. I just put it out there. So it's going to be the same conversation in both committees. I'm sure.

**Legislator Roberts**

We do appreciate your generosity.

**Chair Heppner**

Yeah, I know you want to hang out with us more, but Leader Ronk, did you have your hand up?

**Legislator Ronk**

I would. I was just saying I agree with Legislator Roberts. I mean, our our role in local laws is, you know, legal sufficiency. It's not about, you know, it's not about the the issue in chief and the issue in chief here is a financial one.

**Chair Heppner**

Yep. Agreed. All right. So can I get a motion to postpone?

**Legislator Ronk**

I'll move we postpone it to a special meeting on Wednesday, or yeah, Wednesday,

**Chair Heppner**

time to be determined. Can I get a second?

**Legislator Roberts**

I'll second that

**Chair Heppner**

Seconded by Legislator Roberts. All in favor on the postponement?

**Committee Members**

Aye

**Chair Heppner**

Opposed? Postponement is carried unanimously. Moving on, we did Resolution 104 out of order. We are now on our last Resolution. This is Resolution number 157 requesting the county executive to appoint members to and convene the charter revision commission, pursuant to section five of the Charter, of the county of Ulster. motion to discuss?

**Legislator Ronk**

I'll move it

**Legislator Gavaris**

Second.

**Chair Heppner**

Second by legislative Gavaris moved by Leader Ronk. Just want to make sure people are aware, I believe Mr. Kadgen, you sent some suggested language changes. And so, and other changes to members. Just out of a curiosity, Mr. Kadgen, was the sponsor, Legislator Maloney included on that email? Yes.

**Thomas Kadgen**

No that was all my, just me.

**Chair Heppner**

You know, was he included on the email? Or did he receive your suggestion?

**Thomas Kadgen**

I don't think so.

**Chair Heppner**

Okay, so, um, personally, I would feel right now, because we can always make amendments on the floor. Legislator Maloney would like to make those changes, I would just feel more comfortable for him to have time to as the sponsor and the author to have, give him due respect to review that without us making the decision.

**Thomas Kadgen**

One more point I'd like to make. you, if you're requesting something. He doesn't even have to veto it.

**Chair Heppner**

And again, you know, the reality of this is that I believe this Resolution is essentially memorializing. It does not, there is no need to

**Thomas Kadgen**

Aren't you asking him to abide by the law.

**Chair Heppner**

Yes, but again, it's memorializing.

**Thomas Kadgen**

Okay,

**Legislator Ronk**

yeah I

**Chair Heppner**

Go ahead.

**Legislator Ronk**

Yeah, I tend to agree with Mr. Kadgen, and, and share some of the frustration that, you know, we have a memorializing Resolution here that, you know, is politely requesting that the executive follow, follow our charter. Um, you know, that having been said, I, I wouldn't, you know, I wouldn't be opposed to the change. I would, I wouldn't be opposed to not having the change as one of the sponsors. I'll tell you that I would not be opposed if that change were made.

**Chair Heppner**

If you'd like to make a motion, you may

**Legislator Ronk**

The county executives office is um telling some people, they haven't told me, that they plan on Oh, wait, no, I did get a message earlier that they plan on appointing their members. You know, if the executive appoints their members prior to this Resolution passing next Wednesday, perhaps we could withdraw it. And then our Resolution had, you know, accomplished its goal. But I also think that, you know, demanding is a good word. So I appreciate Mr. Kadgen's input.

**Chair Heppner**

So [inaudible] Yep. So Leader Ronk, as you know, and conversations we've had you and I and I think, in strong agreement on this. And united on this.

**Legislator Ronk**

Yep

**Chair Heppner**

And what you just were referencing occurred during the Democratic caucus, where there seemed to be a change of intention from the executives office is how I would interpret it, and legislative Maloney said, you know, you know, I think respectfully and well said if you know, you're willing to come work with us, I'm willing to withdraw the Resolution. I think we can either so I'm sorry Leader Ronk, I didn't realize you are a co sponsor on this. If you want to make the amendments tonight on this.

**Legislator Ronk**

I'm, I'm fine waiting for Legislator Maloney.

**Chair Heppner**

Yep. I just hadn't seen in time but again, if Legislator Maloney wants to make those changes on the floor, I'll happily support it. So otherwise, we can just move the Resolution, call the vote on the Resolution as is. Is everyone good with that? Alright, so on the Resolution, all in favor?

**Committee Members**

Aye.

**Chair Heppner**

Opposed? Seeing none, it passes unanimously. Please note in the agenda, two Resolutions that have been currently postponed, one in Energy and Environment and Sustainability Committee and the other postponed in Health Human Services and Housing Committee. That will be potentially forthcoming. So just to put those on your radar. At this point, I'd like, be happy to open it up to any new business or old business that anyone would like to update the Committee on. Seeing none, I'll take a motion for adjournment. And thank you all for your time.

**Legislator Roberts**

So moved

**Legislator Ronk**

Second

**Chair Heppner**

All in faor of adjournment?

**Committee Members**

Aye

**Chair Heppner**

Thank you all have a great night.